അങ്ങിനെയിരിക്കെ ചില ആളുകൾ മറ്റു മതങ്ങളെപ്പറ്റി ആക്ഷേപിച്ചു പ്രസ്താവിക്കുകയോ പ്രസിദ്ധപ്പെടുത്തുകയോ ചെയ്യുന്നതിനെ തടയുവാനുള്ള ആവശ്യത്തിനുവേണ്ടി ഇങ്ങിനെ ഒരു ബിൽ ഇവിടെ കൊണ്ടുവന്നതുകൊണ്ട് ഞാൻ ഇതിനെ പിന്താങ്ങുന്നു.

മിസ്റ്റർ കെ. അയ്യപ്പൻ:— സർ വാൾട്ടർ സ്കോട്ടിന്റെ ടാലിസ്മാൻ എന്ന നോവൽ മദ്രാസ് യൂണിവേർസിറ്റി ഇൻറർമീഡിയറിനു ടെസ്റ്റായിട്ട് പ്രിസ്ക്രൈബ് ചെയ്തിട്ട് ഒരിക്കൽ അതു മുസ്ലീമങ്ങൾക്കു വേണ്ടെന്നുവച്ചു തടഞ്ഞിട്ടുള്ളതു് അറിയാമോ?

മിസ്റ്റർ തോമസ് മാഞ്ഞൂരാൻ:— അതൊറിറിയായിട്ട പറയുവാൻ വയ്യ. അതിനുവേണ്ടിയുള്ള ഒരാൾ ഇവിടെയുണ്ട്. അദ്ദേഹത്തോട് ചോദിച്ചാൽ അറിയാം.

Motion put and carried.

Mr. Thomas Manjuran.—Since the Bill has not been substantially amended I move that the bill may be put as a whole unless Hon'ble Members desire otherwise.

The following sections were considered to have been put and carried.

Whereas it has become expedient further to amend the Cochin Code of Criminal Procedure, Regulation II of 1086, it is hereby enacted as follows:—

1. (1) This Regulation may be called the Cochin Code of Criminal Procedure (Amendment) Regulation of 1109,

(2) It shall extend to the whole of Cochin and it shall come into force at once.

2. After section 84 of the Cochin Code of Criminal Procedure, the following sections shall be inserted: –

"84 A. (1) Where,—

(a) any newspaper, or book as defined in the Cochin Press and Registration of Books Regulation VII of 1097, or

(b) any document,

wherever printed, appears to the Government to contain any seditious matter or any matter which promotes or is intended to promote feelings of enmity or hatred between different classes of His Highness', subjects or which is deliberately and maliciously intended to outrage the religious feelings of any such class by insulting the religion of that class, that is to say, any matter the publication of which is punishable under section 120 or section 139 A or section 273 A, of the Cochin Penal Code, the Government may, by notification in the Cochin Government Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to the Government, and thereupon any police officer may seize the same, wherever found in Cochin, and any Magistrate may by

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warrant authorise any police officer not below the rank of Inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be.

(2) In sub-section (1) 'document' includes also any painting, drawing or photograph, or other visible representation."

"84 B. Any person having any interest in any newspaper, book or other document in respect of which an order of forfeiture has been made under section 84 A may, within two months from the date of such order, apply to the Chief Court to set aside such order on the ground that the issue of the newspaper, or the book or other document, in respect of which the order was made, did not contain any seditious or other matter of such a nature as is referred to in sub-section (1) of section 84 A."

"84 C. Every such application shall be heard and determined by a Full Bench of the Chief Court."

"84 D. On receipt of the application, the Full Bench shall, if it is not satisfied that the issue of the newspaper, or the book or other document, in respect of which the application has been made, contained seditious or other matter of such a nature as is referred to in sub-section (1) of section 84 A, set aside the order of forfeiture;

(2) where there is a difference of opinion among the judges forming the Full Bench the decision shall be in accordance with the majority of those Judges."

"84 E. On the hearing of any such application with reference to any newspaper, any copy of such newspaper may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the order of forfeiture was made."

"84 F. The Chief Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable to such applications."

"84 G. No order passed or action taken under section 84 A shall be called in question in any Court otherwise than in accordance with the provisions of section 84 B."

3. In section 86 after the words 'section 83' the words 'section 84 A shall be inserted.

4. In section 173 of the Code of Criminal Procedure, between the words 'section 45' and 'of the same Code' the words 'or section 273 A' shall be inserted.

5. In the second schedule to the Code of Criminal Procedure after the entry relating to section 273 of the Cochin Penal Code, the following entry shall be inserted, namely.—

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273 A	Maliciously insulting the religion of any class	Shall not arrest without warrant	Warrant	Bailable	Not compoundable	Imprisonment of either description for 2 years or fine or both	Court of session or 1st Class Magistrate
1	2	3	4	5	6	7	8

Mr. Thomas Manjuran.—Sir, I beg to move that the Bill may be taken up and passed next Friday.

Mr. C. J. Mathew.—I second it.

Motion put and carried.

Bill to amend the Cochin Penal Code.

Mr. Thomas Manjuran.—Sir, I beg to present the Select Committee Report on the Bill to amend the Cochin Penal Code and move that the Bill be taken into consideration. If I read these few lines of the Report the matter will be clear. "The majority of members, consisting of all the non-official members, were of opinion that section 2 of the Bill may lie over for the time being. Section 2 of the Bill has hence to be omitted." With regard to this I shall be presently moving an amendment. I may as well submit now what it is about. Hon'ble Members may know that we form one of the numerous Indian States in this country and recently a tendency of abusing ruling princes and their administration, began to appear to such an extent that the Government of India was compelled to protect them by way of a Princes' Protection Act.

Dr. A. R. Menon.—May I know whether that amendment is now before the House ?

Mr. Thomas Manjuran.—Then I will speak later about it when moving the amendment. Now I move that the Bill be taken into consideration.

Mr. C. J. Mathew.—I second it.

Motion put and carried.

Mr. Thomas Manjuran.—Sir, under Standing Order 38, I beg to move the following amendment.—

Add as section 3 the following :

3. In section 120 of the Cochin Penal Code insert the words "or an Indian Prince or the Government of such Princes

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whose names may be declared by the Government from time to time in the Cochin Government Gazette between the words 'India' and 'shall' in line 7".

The idea is this. Suppose the ruler of a neighbouring State is allowed to be abused with impunity in our State, the State whose ruler is abused here may also tolerate the abuse of our royalty. So that as a matter of reciprocal arrangement a fair protection would be desirable. It is for securing that that this amendment is intended. Then you may ask why it is cast in this form. The Government is fully conscious of what they are doing. No protection is intended to be given unless reciprocal prohibit is forthcoming. That is why it is put there as "such Princes whose names may be declared by the Government from time to time in the Cochin Government Gazette". That is, whenever it is seen that a neighbouring Prince or his Government has passed corresponding legislation then shall we publish his name in the Gazette. After all it is only mutual protection.

Mr. A. Sankara Poduval.—May I know whether there is such legislation existing in any other State?

Mr. Thomas Manjuran.—The idea is only to give reciprocal protection. We have got such legislation with regard to several northern Indian States.

Mr. George Chakyamuri.—May I know whether there is anything of this nature in Travancore?

Mr. Thomas Manjuran.—There is no law existing now in Travancore similar to this. But I have the clearest assurance that Travancore will pass such a law. Hon'ble Members have the absolute guarantee that unless and until Travancore has such reciprocal protection this notification will not be issued. The reason why we introduce it first here is because we claim that we have a more enlightened legislature.

Members.—No, No.

Mr. Thomas Manjuran.—Hon'ble Members, I will persist in that statement. Perhaps your modesty will not permit you to admit the fall. But I have to make it at least in self-defence. I know this personally that the Travancore Government is at least as anxious as our Government to introduce a law on these lines. I am absolutely sure that they will in the near future introduce a similar measure.

Mr. A. Sivarama Menon.—What has that to do with us?

Mr. Thomas Manjuran.—What is it that we are now proposing to do. We are not giving any protection to any body.

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We are only introducing a measure under which the Government can give protection to those who give us reciprocal protection. The Government gives the assurance that until and unless that is forthcoming such protection will not be given. I started by saying that it is the confidence of the Government in the enlightened opinion of this House that induced them to attempt to bring this Bill here. I suppose the House will fully understand the position. Unless and until reciprocal protection is not forthcoming we will never give protection to any State Ruler.

Mr. George Chakyamuri.—We don't want it to be given effect to here first without reciprocity being given.

Mr. Thomas Manjuran.—Then it will be a case of rivalry between the two States as to who should pass the legislation first and I don't know how this problem can be solved at all.

Mr. George Chakyamuri.—Why don't you wait for Travancore to pass the legislation first. Why are you so very anxious?

Mr. Thomas Manjuran.—My submission is this. Let us consider apart from the form the real substantial way in which it is introduced here or there. We are not going to allow the measure to function unless and until a corresponding bill is passed in Travancore.

Mr. A. Sivarama Menon.—Does the Hon'ble the Law Member mean that there will be a clause in the amendment that this will come into effect only after Travancore or some other State has passed a similar law? As far as I have been able to gather, beyond the assurance given on the floor of the House there is no word whatever in the amendment to this effect. There is no objection to this procedure being adopted.

Mr. Thomas Manjuran.—I don't think that such an amendment is necessary. If the Hon'ble Members think that such an amendment should be introduced I have entirely no objection. I thought that the solemn word of the Government would be considered to be adequate. If the Legislature thinks that an additional protection should be given by introducing an amendment I don't think that the Government will have any objection. I request the Hon'ble Member to move such an amendment.

Mr. A. Sivarama Menon.—It should also be remembered that from one standpoint the Princes' Protection is an entirely different subject-matter. We are now considering an amendment to a section of the Penal Code. I should think that a separate bill is necessary for the subject matter dealt with in the amendment. What I mean is that the bill has come here

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after the Select Committee stage. Here is a proposal from the Government to deal with, as I understand, an entirely different subject-matter. I think I will be able to satisfy the Hon'ble the Law Officer that the subject of the Princes' Protection is a subject by itself. My point is that this amendment should not be thrust in as it were in the form of an unimportant amendment. It is a subject of sufficient importance to be handled with sufficient care and it should go through all the stages that every amendment is subjected to ordinarily.

Mr. Thomas Manjuran.—This was part of my original bill that was introduced. It was deleted by the Select Committee. I am not bringing this amendment now as a surprise. It stood as clause 2 of the original bill.

Dr. A. R. Menon.—It was withdrawn at the Select Committee.

Mr. Thomas Manjuran.—That is not a correct statement. I shall read what the Committee has said. "The majority of members consisting of all the non-official members were of opinion that section 2 of the bill may lie over for the time being. Section 2 of the bill has hence to be omitted."

Dr. A. R. Menon.—Government did not oppose the view held by the non-officials.

Mr. Thomas Manjuran.—You will find in the last paragraph of the report the following :—"At the meeting held on 11th Kumbhom 1109 the Secretary to the Diwan brought to the notice of the Committee the fact that the Government was prepared to give an assurance that with regard to section 2 of the Bill to amend the Cochin Penal Code no protection will be offered to a State that has not offered reciprocal protection to Cochin and that the name of no State will be published under the section until and unless such protection was forthcoming. The non-official members nevertheless persisted in their objection".

Dr. A. R. Menon.—So it is incorrect to say that we did not object. When we raised this point you tacitly accepted it.

Mr. A. Sivarama Menon.—Then the fair thing for the Hon'ble the Law Member to do under the circumstances is to ask for permission to recommit it to a Select Committee so that there may be another thorough examination. I do not see the reason why it should be brought here at this stage.

Mr. Thomas Manjuran.—It was never given up by the Government. The view of the majority of the non-officials prevented.

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Dr. A. R. Menon.—Let us be very honest about that. Did you not accept that suggestion? Did you vote against it? When we raised this point in spite of the assurance of the Hon'ble the Secretary to the Diwan you all agreed that it may lie over.

Mr. Thomas Manjuran.—I think you are making a big mistake. What is it that is said in the last sentence of the report? "The non-official members nevertheless persisted in their objection".

I am now introducing this amendment. If the House is of opinion that on account of the importance of the Bill or for any other cause the Bill should be recommitted to consider this clause, of course that is a matter for decision by this House. I may submit that there is this assurance by the Government that this legislation will never be used for offering protection to any Prince unless and until reciprocity is forthcoming. I am only proposing an amendment. The question will arise how the amendment should be dealt with. One Hon'ble Member stated that the Bill should be recommitted. If that is the proper course I shall welcome such a course. I only want to impress upon the House that there is no risk that we shall ever use this provision unless and until reciprocity is forthcoming.

Dr. A. R. Menon.—Our objection is not on the question of reciprocity. The fundamental objection is the introduction of such a measure.

Mr. Thomas Manjuran.—That may be discussed.

I beg to move the following amendment;

Add as section 3 in the Bill the following: "3. In section 120 of the Cochin Penal Code insert the words "or any Indian Prince or the Government of such Princes whose names may be declared by the Government from time to time in the Cochin Government Gazette" between the words 'India' and 'shall' in line 7."

Mr. C. J. Mathew.—I second it.

Mr. George Chakyamuri.—I oppose the amendment.

Mr. Thomas Manjuran.—I shall make a statement since there is an opposition. I have already said practically all that is necessary. I shall add one more word. The only idea is that we want our Royalty's good name to be protected in this State and outside. Unless we extend some sort of protection to the Rulers of the neighbouring States they may not be inclined to protect our interests.

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Dr. A. R. Menon.—Was there any application for protection from any State ?

Mr. Thomas Manjuran.—When the Hon'ble Member asks me in thisblunt manner whether there was any application for protection I think I would be right if I say that though there were no formal application for protection, there have been some approaches male in that direction. Beyond that it will be rather hard to ask me to explain. We have to protect the good name of our Royalty. They are our big assets.

Mr. K. Ayyappan.—It is well protected.

Mr. Thomas Manjuran.—Opinions differ. Any insult offered to them is an insult to the nation. Hon'ble Members should never forget that fact. What is the King of a country ? He is the embodiment of all that is great and powerful.

Mr. George Chakyamuri.—Who questions all that ?

Mr. Thomas Manjuran.—The good name of the King is deeply cherished by the nations. We are only trying to assure that our neighbour may not abuse or cast aspersions on our Royalty.

Mr. T. A. Ramachandra Ayyar.—Have you come across a single instance of our Royalty being abused elsewhere ?

Mr. Thomas Manjuran.—I have come across several instances of the Royalty of our neighbouring States being abused by publications in this State.

Mr. George Chakyamuri.—Our Royalty does not stand in need of that protection.

Mr. Thomas Manjuran.—Suppose this State happened to be the place from where a neighbouring Maharaja or Section of a neighbouring Ruling Family was abused, is it not only proper that we should afford protection to him ?

Mr. George Chakyamuri—We do not owe allegiance to that Ruler ?

Mr. Thomas Manjuran.—Is it not only when you owe allegiance that you should give protection ? Why do you respect the womanhood of the world ?

Mr. George Chakyamuri.—For more reasons than one.

Mr. Thomas Manjuran.—I do not think I shall be justified in going on lecturing on the rights and wrongs of a situation like this. Let us not be under the mistake that it is only when we are compelled that we should take action.

Mr. A. Sankara Poduval.—Does the British Indian Legislature afford any such protection?

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Mr. Thomas Manjuran.—The Hon'ble Member for Trichur aught to know that the Princes' Protection Act has been functioning for years and years together in British India to offer protection to all Indian States without any distinction what-soever. I am rather surprised to hear such a question from a lawyer. I can understand a non-lawyer asking me such a question.

The amendment may, if necessary, be recommitted although presonally I do not agree with the statement that there is necessity. I bow to the decision of the House. Somebody may bring forward a motion.

Mr. A. Sivarama Menon.— Mr. President, Sir, I beg to move that this amendment be recommitted to a Select Committee. What I am anxious is that this subject should be considered very carefully. It is a very important matter. I am sure no responsible member of this House will deny the importance of this subject. All that I am urging is that it should be very thoroughly considered and suitably worded.

Mr. P. Kumaran Ezhuthassan.—There is no provision to recommit an amendment.

President.—The objection is that there is no provision to recommit a particular section.

Mr. Thomas Manjuran.—I therefore propose that the amendment may now be put.

Amendment put and carried.

Mr. Thomas Manjuran.—The bill as amended may now be put.

Dr. A. R. Menon.—We had given an indication how seriously we object to this measure. The Government Advocate introduces this as a clause in spite of the fact that the members unanimously rejected and that without giving previous notice of the amendment. I know your move. The matter is of such a controversial nature. They tacitly accepted the position taken by the non-officials in the Select Committee. They at last came to the conclusion that for the time being this may lie over. Now they come here and slyly try to introduce a clause of such a revolutionary nature.

Without giving us a voice to speak on the subject the matter has been put to vote.

Mr. Thomas Manjuran.—The Hon'ble Member has to speak on the Bill before the House. Now the Bill as amended will be presently put before the House. At that time the whole

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Bill can be thrown out. It is only a preliminary stage that is passed. Nobody wants to get an unfair advantage.

Dr. A. R. Menon.—I move that the House do pass on to the next item inthe Agenda.

Mr. A. Sankara Poduval.—I second it.

Mr. Thomas Manjuran.—I oppose it.

Motion put and negatived.

President.—Let us not misunderstand each other. There is no depriving of the liberty of the Hon'ble Members to speak upon the amendment. It may be done now because the whole Bill with the amendment is going to be put. Therefore you can speak. If any Hon'ble Member wishes to speak on the Bill including the amendment he is quite welcome.

Mr. George Chakyamuri.—Sir, I am surprised that the Hon'ble the Law Member should try to push through such an important measure in such a sly manner in one of the amendments to one of the sections of the Penal Code. Practically the whole provision of the Princes' Protection Bill is here in two lines and that is being pushed through an amendment against the express opposition of the Members of the Select Committee. I submit it is a thing which can never be countenanced by this House. That this is an important measure can be denied by nobody in this House. It is a measure of very great importance pertaining to the liberties of the subjects of the State. As some of the Hon'ble Members are aware the law of sedition is complicated in our State as against the law that obtains in the western civilised countries. We have got several kinds of sedition. What I mean to say is that in England a citizen has got the liberty to abuse the Government to any extent. He can pull down the Government and form his own Government. We in Cochin owe allegiance to our beloved Maharaja and to the Paramount power. We cannot say anything against these Governments. I do not mean to claim any right to say anything against the Maharaja. There is the law of sedition. Now under the law of sedition there are already three authorities to whom we are asked to owe allegiance. By this amendment we are asked to owe allegiance to 600 other Governments. Not only the Princes but their Governments also.

Now I respectfully beg to ask, is it proper for the Government to get through such a measure of importance? Now personally I owe allegiance to my Maharaja and the Paramount Power. I should not be restrained from talking of things done

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in other parts of the world. That is my fundamental right. I do not owe any allegiance to the Maharaja of Travancore, or to the Maharaja of Pithapuram or the Maharaja of Chathrapur. If they misbehave I must be at perfect liberty to criticise their actions. That liberty is now proposed to be taken away from my hands. The only reason for that is reciprocity. We do not understand the need for any reciprocity. Nobody will talk ill of our Maharaja. Our Maharaja is leading a pious ascetic life and he always bestows attention for the welfare of his people. Who has abused our Maharaja till now? There may be Maharajas and Maharajas who deserve to be abused. That is no reason why we should protect them. For all these 600 Governments varied Governments with questionable character and nature—I ask why should my liberty be taken away? If a Maharaja in a northern state spends all his State's money in the race course, I must be allowed to say he is misusing or abusing himself. I can understand if we require reciprocity. But our Maharaja does not require any reciprocity at all for nobody will abuse our beloved Maharaja. No sensible man on the face of the earth will ever dare to abuse our Maharaja who is leading an ascetic and pious life. Nobody has done it till now. There may be Maharajas who deserve condemnation. We are entitled to condemn them. Why should that right be taken away? We do not stand in need of reciprocity. It will be taking away the fundamental rights and liberties of subjects if such a measure is introduced. I submit that this is a measure which should stoutly be opposed by anybody who knows these things.

മിസ്റ്റർ കെ. അയ്യപ്പൻ:— സർ, മറ്റു മഹാരാജാക്കന്മാരെ ആക്ഷേപിയ്ക്കുവാൻ സ്വാതന്ത്ര്യം കിട്ടണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയല്ല ഞാൻ ഇതിനെ എതിർക്കുന്നത്. ഈ ബിൽ ഇവിടെ അവതരിപ്പിച്ചിരിയ്ക്കുന്ന രീതിയിലും, ഇതിനെപ്പറ്റി ലാമെമ്പർ പറഞ്ഞിട്ടുള്ള ചില അഭിപ്രായങ്ങളിലും വളരെ അപകടകരമായ പ്രസ്താവനകൾ അടങ്ങിയിരിയ്ക്കുന്നു. തിരുവിതാംകൂർ മഹാരാജാവിനേയോ മൈസൂർ മഹാരാജാവിനേയോ പറ്റി ഈ കൊച്ചിയിലുള്ള ഒരൊറ്റ മനുഷ്യരെങ്കിലും ആക്ഷേപിച്ചിട്ടില്ല. കൊച്ചിയിലെ പബ്ലിക്ക് നിശ്ചയമായും അതിനിടവരുത്തുകയില്ലെന്നുള്ളതു തീച്ചയാണ്. അഥവാ വല്ലകാലത്തും വല്ല വരും പുറത്തുനിന്ന് ഇവിടെ യാദൃശ്ചികമായി വന്ന വല്ലതും എഴുതിപ്പോയാൽ കൊച്ചിയിലെ പൌരന്മാരെ അതിനു കുറ്റപ്പെടുത്തുവാൻ പാടില്ലാ. കൊച്ചിയിലെ പൌരന്മാർ ഒരു രാജ്യത്തെ രാജാക്കന്മാരേയും ആക്ഷേപിച്ചെഴുതീട്ടില്ല. നമ്മുടെ മഹാരാജാവു തിരുമനസ്സുകൊണ്ട് തിരുവിതാംകൂറിൽ എഴുന്നള്ളിയപ്പോൾ അങ്ങേ അറ്റം മുതൽ ഇങ്ങേ അറ്റംവരെ ഗവൺമെൻറിന്റെ മാത്രമല്ല; ജനങ്ങളുടേയും സ്വീകരണങ്ങൾ വളരെ ഹാർദ്ദമായിരുന്നു.

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നമ്മുടെ മഹാരാജാവിനുവേണ്ടിയോ തിരുവിതാംകൂർ മഹാരാജാവിനുവേണ്ടിയോകൊണ്ടുവന്നിട്ടുള്ളതല്ല ഇതു്. ഇതില്ലെങ്കിൽ കുഴപ്പമുള്ളവർ വേറെയുണ്ടു്. അവരിൽനിന്നു് ഇങ്ങിനെയൊന്നു പാസ്സാക്കണമെന്നുള്ള അഭിപ്രായം വന്നതുകൊണ്ടു് ഇതു് ഇവിടെ കൊണ്ടുവന്നിരിയ്ക്കുയാണു്. ഇതേ ബിൽതന്നെ തിരുവിതാംകൂർ കൌൺസിലിൽ കൊണ്ടുപോയാൽ അവർ ഇതിനെ തകൃത്തുകളയും. (ഹീയർ, ഹീയർ) കൊച്ചിയിൽ ഇതു് ആദ്യം പാസ്സാക്കി പിന്നെ തിരുവിതാംകൂറിലും പാസ്സാക്കാമെന്നാണു് ഇതിനുവേണ്ടി ഉള്ളിൽ ശ്രമിയ്ക്കുന്നവരുടെ ആലോചന.

തിരുവിതാംകൂർ ഇങ്ങോട്ടു ചെയ്യാത്ത ചിലതു് നമ്മൾ അങ്ങോട്ടു ഇതിനുമുമ്പു് ചെയ്തുകൊടുത്തിട്ടുണ്ടു്. ഇവിടത്തെ സ്റ്റാഫ്മൈനൽ പരീക്ഷ അവിടെ ഉദ്യോഗങ്ങൾക്കു അംഗീകരിച്ചിട്ടില്ലായിരുന്നു. എന്നാൽ അവിടത്തെ സ്റ്റാഫ്മൈനൽ പരീക്ഷ ഇവിടെ സ്വീകരിച്ചിട്ടുണ്ടു്. ഇതു ഞാൻ മുമ്പു് ഒരിക്കൽ ഗവമ്മെൻറിന്റെ ശ്രദ്ധയിൽ കൊണ്ടുവന്നിട്ടുള്ളതാണു്. വല്ലവർക്കുംവേണ്ടി ഇങ്ങിനെ നമ്മൾ ചെയ്തുകൊടുക്കുന്നതിനു് ആവശ്യമെന്തു? കാൺഫിഡെൻഷ്യലായിട്ടുള്ളതൊന്നും ഇവിടെ വായിയ്ക്കണമെന്നു ഞങ്ങൾ പറയുന്നില്ല.

ഇവിടെ ഈ നിയമം പാസാക്കുവാനുള്ള ആവശ്യമെന്തു്? നിങ്ങൾ ഇതു പാസാക്കിക്കഴിഞ്ഞാൽ പുറത്തുള്ളവർ വിചാരിയ്ക്കുന്നതു് നിങ്ങളാണു് ഇതിനെ അനുകൂലിയ്ക്കുന്നതെന്നാണു്. വേറെ ആരെങ്കിലും പാസ്സാക്കുന്നുണ്ടെങ്കിൽ അതനുസരിച്ചു അന്നു നമുക്കാലോചിയ്ക്കാമെന്നുവയ്ക്കാതെനിങ്ങൾ നേരത്തെ പാസ്സാക്കുന്നതു വളരെ മോശമാണു്. ഏതെങ്കിലും മഹാരാജാക്കന്മാരെ ആക്ഷേപിയ്ക്കണമെന്നോ നിന്ദ്യപണം ചെയ്യണമെന്നോ ഉള്ള തത്വത്തിന്മേലല്ല ഞാൻ ഇതിനെ എതിർക്കുന്നതു്. നിങ്ങളുടെ നല്ല പേരിനുവേണ്ടി, മഹാരാജാവിന്റെ നല്ല പേരിനുവേണ്ടിയാണു് ഞാൻ പറയുന്നതു്. ഈ ബിൽ കൊണ്ടുവന്ന ലാമെമ്പർ അവർകൾ പറയുന്നതു കേട്ടാൽ ഇതില്ലാതെ ഇപ്പോൾ വളരെ അപകടസ്ഥിതി വന്നിരിയ്ക്കുന്നു എന്നു തോന്നിപ്പോകും. അങ്ങിനെയൊന്നും ഈ കൊച്ചീരാജ്യത്തില്ല. അതുകൊണ്ടു ഞാൻ ഇതിനെ എതിർക്കുന്നു. ഈ കാര്യത്തിൽ ഇതു കുറച്ചൊന്നു് അങ്ങോട്ടു നീട്ടിവെച്ചാൽ എന്തൊരു ദോഷമാണു് വരുവാനുള്ളതു്? വേറെയുള്ള രാജ്യങ്ങളിൽ പാസാക്കുന്നതുവരെ നീട്ടിക്കൊണ്ടുപോയാൽ എന്തു ദോഷമാണു് ഈ കൊച്ചി രാജ്യത്തെ രാജാക്കന്മാർക്കു വരുവാനുള്ളതു്? തിരുവിതാംകൂറിൽനിന്നു വല്ലവരും ഇവിടെവന്നു് വല്ല രാജാക്കന്മാരേയും ആക്ഷേപിച്ചെഴുതിയെന്നു വിചാരിച്ചു്, ഇതുവരെ ഒരു മഹാരാജാക്കന്മാരെപ്പറ്റിയും ഇവിടെ ആരും എഴുതീട്ടില്ലാത്തസ്ഥിതിയ്ക്കു് ഇതു് എന്തിനു പാസാക്കുന്നു? ആവശ്യമുള്ളവർ പാസാക്കിക്കൊള്ളട്ടെ. അതിനുശേഷം നമുക്കാലോചിച്ചാൽ മതി. ഗവമ്മെൻറിനു് ഈ വക കാര്യങ്ങൾക്കെല്ലാം കക്ഷി നോട്ടല്ല വേണ്ടതു്. അതെങ്കിലും എന്തെങ്കിലും മോടി

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ച്ചാലുടനെ അങ്ങോട്ട ചെയ്യകൊടുക്കുക എന്നുള്ള സമ്പ്രദായം വന്നാൽ ഹാർബറിന്റെ കാര്യത്തിലും മറ്റും വരുമ്പോൾ പിന്നെ എന്തായിരിക്കും സ്ഥിതി! ഇത്ര നിസ്സാരമായ കാര്യങ്ങളിൽ, മര്യാദയ്ക്കു പറഞ്ഞു നില്ക്കുവാൻ കഴിയുന്ന കാര്യങ്ങളിൽ തുറന്നു പറയുന്നതിനുമാത്രമുള്ള നട്ടെല്ല കാണിയ്ക്കുന്നില്ലെങ്കിൽ കഷ്ടമാണ്. നിങ്ങൾക്ക് ഏതുവിധത്തിലും ബില്ല പാസാക്കുവാൻ പ്രയാസമില്ലെന്നു ഞങ്ങൾക്കറിയാം. നിങ്ങളുടെ ഗുണത്തിനുവേണ്ടിയാണ് ഞങ്ങളിതു പറയുന്നതു്. ഞങ്ങൾ ഞങ്ങളാൽ കഴിയുന്നതു ശ്രമിച്ചു. അതുകൊണ്ട് ഇനിയെങ്കിലും നിങ്ങൾ ഞങ്ങളെ താങ്ങുക. നിങ്ങൾക്ക് അവരോടു പറയുവാനുള്ളതു തുറന്നു പറയുവാൻ പാടില്ലേ; ഞങ്ങൾക്കിതിനു നിവൃത്തിയില്ല എന്ന്? അന്യരാവശ്യപ്പെട്ടതു ചെയ്യകൊടുക്കണമെങ്കിൽ നിങ്ങൾ വല്ലാതെ വിഷമിക്കേണ്ടിവരുമെന്ന് നിങ്ങൾ അവരോടു തുറന്നു പറയുന്നതിനു നിങ്ങൾക്കു സൌകര്യം ഉണ്ടാക്കുകയാണു് ചെയ്യുന്നതു്. അല്ലാതെ നിങ്ങളെ തോല്പിക്കണമെന്നല്ല ഞങ്ങളുടെ ഉദ്ദേശം. ഇതുകൊണ്ട് ഒരാവശ്യവും ഇവിടെയില്ല.

Mr. A. Sankara Poduval.—I wish to add a few words to this discussion. I was one of those members in the Select Committee who persisted in their objections to the Bill in spite of the assurance given by the Secretary to the Diwan that no protection would be offered to a State that has not offered reciprocal protection to Cochin and that the name of no State would be published under the section until and unless such guarantee be forthcoming. Now after the report was submitted, we were all served with a copy of this amendment, an amendment to the Cochin Penal Code Amendment Bill, and not to the Bill as reported by the Select Committee. There is no meaning in this. This is what I find here. The Government Advocate and Law Officer will move the following amendment. Add as section 3 in the Bill the following:

"3. In section 120 of the Cochin Penal Code insert the words "or any Indian Prince or the Government of such Princes whose names may be declared by the Government from time to time in the Cochin Government Gazette" between the words 'India' and 'Shall' in line 7."

This is not an amendment to the Bill. The proposed amendment is 'Add as section 3 in the Bill'. We are all taken unawares. The whole House is slyly asked to vote for an amendment of the Penal Code. This is riding rough shod over the rights and previleges of this Council. "Insert in section 120 of the Cochin Penal Code the words"? This is not a trivial matter. If really the matter was so urgent proper steps could

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have been taken in time. It is not either for the Government or the Law Member to spring a surprise upon us by issuing a notice upon us last Monday. If the matter were urgent, His Highness the Maharaja could have issued a Proclamation. I don't think there is any necessity either for rushing through a provision like this, or for issuing a Proclamation. You proclaim in the Gazette, that Honour is our Family Treasure. Honour is our family treasure, both to our Maharaja and the ruling princes. There were no occasions when anybody abused them outside the State or cast aspersions on them within Cochin. Why are you afraid of the honour of other people being offended? They are supposed to be honourable men. Criticism is all a matter of taste. No cultured man, no respectable man takes pride in maliciously insulting any other ruler. Everybody in Cochin has got a right of making legitimate criticism upon rulers of adjoining Native States or far off Native States. An outside Ruler's position here is simply that of a respectable man. He may be a ruler of another State but so far as Cochinites are concerned, he is only a very high personage, a noble man. We are always protected. What is the apprehension? Has the Government Advocate found out one solitary instance in which there has been any offensive publication in Cochin in which the ruler of an adjoining Native State or a far off Native State has been abused or vilified. Why should he anticipate all these things?. There may be no occasion at all. Why should he anticipate that hereafter people may indulge in attacking some of them by writing articles or publishing cartoons. There is absolutely no justification and there has not been any instance so far. It is a very important matter and it may lie over. Why should, in spite of the opposition of all non-official members of the Select Committee, the Government come forward with this amendment? What is the explanation? Let us wait. Let us have the Bill as it is passed in the House. When occasion arises let it be amended. There have been so many amendments to the Cochin Penal Code necessitated by subsequent events. We can wait and see whether this amendment will be necessary. Till then we can depend upon the good sense of Cochinites their prestige and good name in the past. So far as our Royal family is concerned I have never heard a case in which our Maharaja and the members of the Royal family have been either insulted or vilified anywhere, in any other Indian State. So there is no necessity for this speedy amendment from every point of view. The question does not arise because no member of the Royal family ruling elsewhere has been vilified here. Why should we anticipate things which may or may not happen. I therefore strongly

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oppose this amendment. If the Bill is to be passed with this amendment the Bill has to be opposed in toto.

Dr. A. R. Menon.—Sir, when the Bill was in the Select Committee stage the question of affording protection for princes came before the Committee for discussion and the non-official members who constituted the majority of that Committee unanimously opposed this provision. The Hon'ble the Secretary submitted a communication which was now read by the Government Advocate saying that protection will be given only if reciprocal protection is offered upon the rulers of this State also. We stated our objection is more deep-seated than the question of reciprocity. That is fundamentally objectionable in passing a piece of legislation to confer protection upon certain persons who in a general sense are public men. They tacitly accepted the position and removed that provision. Let them deny that. This is exactly what took place. The very words you used were "let it lie over for the time being". You did not object to it and so we dropped this clause. The Bill was brought here. We did not get any intimation of this amendment. Of course you might have fulfilled the conditions under the rules. I understand that this amendment was placed on the table only on the first day. This is a matter of such importance that all the members on the non-official side unanimously objected and members who were supporting the Government have found it difficult to support the Government on this measure and the Government treat this as a matter of very small importance. You are doing that. Today you get the majority. Tomorrow we will see. It is a game and nothing but a game. You can carry a thing now as you please. Unfortunately we have selected a subject today which is something more than party politics. It is a very important measure. I know that this measure has been discussed in the Legislative Assembly for days together. Does the Law Member tell me that this matter is so easy that it could have been carried through and that it was a fools' assembly that wasted these days? They could have given us previous intimation if they thought that an amendment of this nature was absolutely and immediately necessary. I want to ask this question. Is there a similar law in Travancore, in Mysore, in Hyderabad, in Pudukkottai or in any other Indian State? The Government Advocate said that he wanted to show them how enlightened a people we are. In my opinion an enlightened people do not require the restrictions of law or the services of Lawyers. It is only in a country full of fools and rogues that we see a large number of laws enacted. Wherever you find a large number of

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lawyers you will find a large number of fools and offenders. What is the meaning of your statement that this shows enlightenment? What is enlightenment? It is only when people do mischief that they are criticised by others unless there is something behind it.

Mr. Thomas Manjuran.—Are you sure about that?

Dr. A. R. Menon.—I am sure.

Mr. Thomas Manjuran.—You have been saying in this House often times that you are being attacked by some papers.

Dr. A. R. Menon.—There is something behind it, or somebody behind it and everybody knows who is behind those attacks.

I am asking the Government Advocate why he is so anxious to introduce this measure when the same measure is not obtainable in other States.

Mr. Thomas Manjuran.—It is incorrect to say so.

Dr. A. R. Menon.—How is it incorrect? Are there similar laws in any Native State?

Mr. Thomas Manjuran.— In Baroda there is a law like this.

Dr. A. R. Menon.—We do not want to go to North Indian States whose history we all know. We shall confine ourselves to the South Indian States. When a person commits rape, when a person hangs a pregnant woman by her neck and when a person does not allow a virgin to live within 20 or 30 miles around his residence, are you surprised when people attack such a person no matter what position they occupy? Are human beings reduced to a level below that of animals? It is only when people do like that outsiders take note of them. It is only when humanity is outraged by such actions men forget geographical restrictions and geographical limitations and consider that they are human beings and human sympathies are broadcast no matter who the man is. That was the reason why some gentlemen living outside were subjected to attacks. In order to protect such people law was enacted, in certain other places for various reasons, for political reasons and for selfish reasons; for certain kinds of Government try to retain the support of the wealthy and the influential so that they may impose their yoke on the generality of the public. To such Governments as I have enumerated protection is necessary. Why do we want to disgrace ourselves that our princes should be protected from such things? Have I or anybody else ever uttered anything against the members of our Royal family? I am nervous to speak even now because they are here. Is there anyone who attributed a single vice to

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them? Is there a single family consisting of more than 300 members where every one behave with decency, decorum and gentlemanly qualities as our Royal Family? (Hear, hear). For such a family it is nothing but impudence to come forward and say that we want to protect them. You have insulted the royal family and you have not understood the statistic position they occupy.

Mr. Thomas Manjuran.—It is not for their protection.

Dr. A. R. Menon.—Then for whose protection?

Mr. Thomas Manjuran.—For our Royal Family there is already section 120. This is for protecting the alien princes.

Dr. A. R. Menon.—The learned Government Advocate said that it was brought forward for reciprocity and to protect our princes. What do you mean by reciprocity?

Mr. Thomas Manjuran.—That is for safeguarding the honour of the State.

Dr. A. R. Menon.—The honour of the State does not depend upon affording protection to people who are worse than animals and brutes. You want to confer protection on whom? I am ashamed to listen to this sort of argument. I do not mind if you come forward and say don't attack us, we are unable to resist it. We must bow down to others. We can understand that. But your dignity won't permit you to do that, or you are afraid to do that because there is somebody who will take you to task.

Mr. Thomas Manjuran.—I think you are in the 14th century.

Dr. A. R. Menon.—You belong to the 6th century and your ideas belong to 200 B. C.

I do not blame you because you have to do what you are asked to do. Your views may perhaps be more advanced but you have to do certain things and there are limitations and there is the invisible hands of the machinery of the Government. Why do you want to spoil our name? Why do you want to degrade a representative institution coming forward and passing such pieces of legislation? Can you not save us from this humiliation? Unfortunately you see Government officials are considered to be the representatives of the people. In no other Council you will see men holding Government posts sitting as representatives of the people.

Mr. Thomas Manjuran.—What, what?

Dr. A. R. Menon.—See who is sitting next to me. My friend is raising his hand for a measure like this. I say this is

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a very shameful exhibition of the case. We used to do more decorously and more properly in olden times. With the advent of the Law Member who considers defeat a great personal humiliation to him, this great misfortune has crept in. He considers the whole Government is devolved on his shoulders. If a defeat is sustained he fears that he will be turned out. I may assure him that his place is assured and that our votes won't affect him.

Mr. Thomas Manjuran.—These considerations are quite irrelevant, unfounded and absolutely imaginary. I would only request the Hon'ble Member not to indulge in such kind of abuses.

Dr. A. R. Menon.—It is no abuse. It only shows the interest of the Government Advocate and the extraordinary trouble he took to influence the voters. It is only proper that you should do that when you are serving a Government. I am serving the opposition and I am doing everything possible to defeat a measure against the interests of the public. Is it not your duty to do everything to see that the Bill is passed through this House? Why do you think it is dishonourable? It is an honour. Don't get excited and don't get angry.

Now Sir, what I want to know is the reason for the hurry. What is the objection in waiting till the next meeting? Why are they so very anxious that this measure must be passed through by taking it on Friday itself? Where is the urgent necessity? It is very difficult to get all these people. So next Friday will be more suitable for both of us.

Now Sir, what we want to impress upon the Government is that unless they devise some measure by which they effect a postponement without carrying out the Bill now the Government may rest assured, if I know anything of the temper of the non-officials at least a dozen sitting on this side, we will non-co-operate with the Government. Of course you can carry on the administration We will put every obstruction possible so that the Cochin public may know that it is only with a weight of the majority, that they succeed in getting all their followers together and they carry all these measures with their support and that we are not responsible for this. We want to show the public that we have no part or lot with this sort of questionable method adopted by the Government in carrying through a measure of such vital importance affecting not only this State but also other States. Do you realise that immediately you pass this measure here the sister Governments will say to their people that if the most progressive State in the whole of India with their

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progressiveness, their intelligence and capacity of political sense has passed such a measure should you not emulate the example of that great State? Your colleague in the other Council will be saying that. So we are doing an injury to other States also. It will be our duty to say to them that we have done everything possible to prevent this. Let it be clearly understood by the Government that we will non-co-operate with them. This is a very serious matter. We do not want to set a bad example to other countries. We do not know your troubles in this matter. Perhaps you being a small State may not be in a position to withstand the outside pressure.

Mr. Thomas Manjuran.—No, no.

Dr. A. R. Menon.—Then you should not do such mischiefs.

Mr. Thomas Manjuran.—No power in the world has ever compelled or will compel us.

Dr. A. R. Menon.—He is so very strong as not to show any propensity for mischief and it will be a very great thing if you restrain that inclination. You could do a lot of things the consequence of which is realised later on. You should not be influenced by the activity of the Government Advocate in having succeeded in carrying through all these bills and give us a fair chance to discuss this question on its merits and also a chance to vote against this measure.

Mr. E. Ikkanda Warriar.—Sir, I do not propose to discuss the merits of the Bill under discussion. That has already been done by the Honourable Members who opposed this Bill. I rise to point out that the Council cannot discuss and enact this Bill at this stage. This measure is ultra vires. We are going against all the provisions of the Legislative Council rules and regulations in moving an amendment like this in this meeting. I think the Government Advocate himself may not be quite conscious of what he has done. My idea is just to point it out to the Government. When my friend the Honourable Member for Palluruthy remarked that it was rather a sly way of putting an amendment like this I never thought that there was anything sly in this matter. Now on going through the question carefully I would submit that there is something in what he said. How does the matter stand now? Originally the Government wanted to amend two sections of the Penal Code. One was section 120 and the other 273. They were two distinct and separate amendments to two distinct and separate sections of the Penal Code. I would read the original bill. The first paragraph runs thus:—"In section 120 of the Cochin Penal

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Code insert the words 'or any Indian Prince or the Government of such princes, whose names may be declared by the Government from time to time in the Cochin Government Gazette' between the words 'India' and 'shall' in line 7". The other amendment was, in the words given in "the object and reasons of the bill, intended to penalise what are called defamations of religion. Leave to introduce the Bill was given by this Council and a Select Committee appointed. The Committee considered the whole Bill and rejected the second part of it, namely the proposed amendment to section 120. The notice given to us is to consider this report of the select committee. Let us see what the report of the Select Committee is. The notice says that the Government Advocate and Law Officer will present the Select Committee reports on the Penal Code Amendment Bill. It contains only one section and that is this:— "After section 273 of the Cochin Penal Code, the following section shall be inserted:—273-A. Whoever with deliberate and malicious intention of outraging the religious feelings of any class of His Highness' subjects, by words, either spoken or written, or by visible representations, insults or attempts to insult the religion of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both." That section is the only section before the House of which notice is given to us in the agenda. The supplementary agenda, I think, was placed on the table only yesterday. It contains a new bill altogether. That which has been rejected by the Select Committee has been placed upon us in the guise of an amendment and we are asked to consider it. The rejected portion of the Bill ought to have been brought forward as a separate Bill. The provisions in the Standing Orders and Rules are to that effect. If the proposed amendment is an amendment to section 273 I can very well understand. Of course, if leave is given and the President waives the usual notice, it will be in order. The amendment can be only on a matter which is validly under discussion in the Council. What is it that is now before the Council? It is the report of the Select Committee. It contains only an amendment to section 273. So any amendment which is not an amendment of that which is contained in the Select Committee report and which is not an amendment to section 273 which the Bill purports, to enact is ultra vires. This Council has no power to consider at this stage this amendment. Of course you may say that there is a supplementary agenda. It was not formally communicated to us. It is very seldom that we get the supplementary agenda placed on our tables. We may or may not get it. On an important and serious matter like this, when the

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President waives the usual notice, this ought to have been sent to us and our acknowledgment taken. I understand many of the Members have not received this.

Mr. C. J. Mathew.—The President waived notice and admitted the amendment only day before yesterday. A supplementary agenda was at once placed on the table. That is all that can be done under the circumstances.

Mr. E. Ikkanda Warriar.—Many of my friends, I understand, have not got copies of the amendment. They never knew about its contents.

Mr. C. J. Mathew.—A copy of the supplementary agenda containing the amendment was placed on the table of every Member.

Mr. E. Ikkanda Warriar.—But there is no guarantee that the Members have got it. And then what about the absent Members? No notice is given to them so that they may decide whether they should come and take part in its discussions and voting.

I submit this is a haphazard and sly way of putting forward amendments. This is done on most irregular lines and that is why there was some misunderstanding about the voting. When the matter was brought before the Council the Hon'ble Member for Palluruthy wanted to speak on the amendment. But you opposed it. I am sure he wanted to speak on it. There was some confusion. Some of the Members thought that the original Bill as amended by the Select Committee was being discussed here and that there was nothing to speak on it. In the meantime the whole discussion was side tracked by the consideration whether at this stage we could not refer back the Bill to the Select Committee. That question was discussed at length. All on a sudden it was put to votes and the Members without understanding the real question that was put to their vote, voted on the matter. The real mistake was found out only subsequently. The Hon'ble Member for law suggests that after the amendment was passed in the Council and after it was voted upon we cannot discuss it when the whole Bill itself is put to vote. It would be stultifying ourselves if we pass this measure as it is. I submit that this can even be questioned in a Court of law. The Council has not followed the Rules and Regulations laid down for matters of legislation like this. I would therefore respectfully submit that the Council cannot consider the amendment to section 120 and the Council has no power to proceed further with this amendment on this technical ground.

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